

BEFORE THE
Federal Communications Commission

WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In re)	
)	
Amendment of Section 73.202(b))	MM Docket 95-74
FM Broadcast Stations)	RM No. 8579
)	
Benavides, Bruni, Rio Grande City)	RM No. _____
and Victoria, Texas)	RM No. _____

To: The Commission

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COMMENTS ON COUNTERPROPOSAL

Sound Investments Unlimited, Inc. ("Sound"), by its attorneys, hereby submits its comments in support of the counterproposal it filed in the above-captioned proceeding on July 24, 1995.

Sound is the licensee of FM Station KCTM, Rio Grande City, Texas. KCTM was one among the early minority-owned broadcast stations in the United States. Its sole owner, Gustavo Valadez, Jr., has been honored for his achievements as not only a pioneer Hispanic American broadcaster, but also in overcoming a serious physical handicap in order to bring a first local radio service to his home town of Rio Grande City, Texas.

When the idea of creating KCTM was first conceived, there was no local radio service at all in Rio Grande City or anywhere in Starr County, Texas. Starr County was, at the time, one of the poorest counties in the United States, with fully half of the dwellings lacking even indoor plumbing. Its minority population exceeded 90%.

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Rio Grande City is the seat of Starr County. The County has a population of more than 40,000, spread out over 1,226 square miles - larger than the entire state of Rhode Island.

The battle to secure funding for the station and a grant of the FCC construction permit took several years. Further obstacles had to be overcome in order for KCTM to construct its antenna tower. Finally, KCTM went on the air in 1985. It has been an invaluable source of local information since that time.

KCTM remains the only radio station licensed to Rio Grande City. Aside from a religious broadcasting facility in Roma, Texas, KCTM is still the only radio station in Starr County. It has continued to provide local news and information to the area for the past ten years.

At present, KCTM is licensed as a Class A facility on Channel 276A. As such, it is incapable of placing a reliable signal over all of Starr County, much less certain adjoining sections of Texas and Mexico that are interdependent with Starr County.

Unfortunately, over the past year the drastic devaluation of the peso have hammered the economy of Starr County, which is heavily dependent on economic conditions in nearby Mexico. Sound has therefore had to come to grips with the cloudy future that presents itself for KCTM if the station cannot expand its coverage. It is therefore critical to Sound that the Commission approve its counterproposal for allotment of Channel 298C2 to Rio Grande City, Texas. The proposed upgrade for KCTM would result in the provision of this important service to a significant area and population, as

the Commission's engineers can no doubt confirm with a level of sophistication beyond the resources of Sound. In the northern and western portions of the county, service would be provided to an area that is not well served at present.

This gain would be provided without any loss in authorized service. Thus, the Sound counterproposal is plainly superior to that of Benavides Communications. While the losses that would attend the proposal of Benavides Communications may not necessarily provide an adequate basis by themselves for denial of that proposal, as a comparative matter it is inferior to that of Sound.¹ S o u n d hereby reiterates its commitment to file an application for specific Class C2 facilities on the new channel when the requested upgrade becomes effective, and to construct those facilities promptly upon grant. While Sound does not believe that the community of Bruni, Texas is worthy of a channel allotment of its own, if the Commission's desire to provide such an allotment were an impediment to its upgrade of the Rio Grande City allotment to Channel 298C2, Sound would not contest such an arrangement.

1 Benavides Communications has argued that the loss area is of no moment because its station is not yet on the air. However, that is the fault of Benavides Communications, which specified the facilities in question and should have put the station on the air by now. Benavides Communications should not receive special credit for its failure to effectuate its construction permit. From a policy standpoint, it makes no sense to give parties like Benavides Communications an incentive not to construct facilities for which they have made application. Thus, this situation is quite different from one where the Commission declines to treat the loss of service that is authorized to but not actually provided by a third party as a detriment to the public interest.

Accordingly, Sound urges the Commission to adopt Counterproposal A as set forth in its submission of July 24, and to modify the license of station KCTM to specify operation on Channel 298C2 in Rio Grande City, Texas.

Respectfully submitted,

SOUND INVESTMENTS UNLIMITED, INC.

By:



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September 14, 1995

CERTIFICATE OF SERVICE

I, Barry D. Wood, hereby certify that I have, this 14th day of September, 1995, caused to be sent by U.S. first-class mail, postage-prepaid, a true and correct copy of the foregoing "Comments on Counterproposal" to the following:

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